IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH.

Date of Decision:-17.11.2006

National Insurance Company Limited ..Appellant

Versus

Mohinder Kaur and others ..Respondents

CORAM: **HON'BLE MR. JUSTICE VINEY MITTAL**
HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Mr. R.C.Gupta, Advocate,
for the appellant.

H.S.BHALLA, J.

This appeal is directed against the award dated July 27,2006 passed by Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as “the Tribunal”) praying for setting aside the award qua appellant-Company vide which it along with driver and owner of the offending jeep bearing registration No.PB-57-8112 was held liable jointly and severally to pay compensation to the legal heirs of the deceased.

The lights of the house of the legal heirs of the deceased were switched off when Hardeep Singh, the only son of respondent Nos. 1 and 2, who was going on his motor-cycle bearing registration No.PB-10-AT-0437, struck against Jeep bearing registration No. PB-57-8112 and died due to the injuries suffered by him in the accident. It has been alleged in the claim petition that on 17.12.2003 at about 8.00 P.M., Hardeep Singh son of Jagtar Singh Sekhon was going on the aforementioned motor cycle mark `Yamah' towards Y.P.S.Chowk, Patiala. He was being followed by Ranjit Singh son of Dr. Amarjit Singh Cheema, resident of Mehatpur, tehsil Nakodar, district Jalandhar. When Hardeep Singh reached near the gate of Military Headquarters, Patiala, then the offending Jeep bearing registration

No. PB-57-8112 came from YPS Chowk, Patiala. Hasmeet Singh, the driver of the jeep, was driving his vehicle at a very high speed as a result of which, he caused the accident with the motorcycle, which was being driven at a normal speed. Hardeep Singh died at the spot on account of injuries suffered by him on his head. The accident was witnessed by Ranjit Singh and Dharambir Singh. The matter was reported to the Police Station and FIR No.376 dated 18.12.2003 under Sections 304-A/279/337 and 427 of the Indian Penal Code was registered against the driver of the jeep.

The learned Tribunal, after going through the oral as well as documentary evidence, available on the record, allowed the claim petition filed by the claimants vide its award dated July 27,2006, the operative part of which runs as under:-

> " In view of my findings on the above issues, the claim petition is allowed. All the claimants are awarded a compensation of Rs.4 lacs in equal shares. The claimants are further awarded a sum of Rs.2000/- as funeral expenses and Rs.2200/- as litigation expenses and all the respondents are jointly and severally liable to pay the amount of compensation as aforesaid. If the claim amount is not paid within three months from the date of award, then the claimants shall be entitled to recover interest @ 7% p.a. from the date of filing of the claim petition till realisation. Lawyers fee is assessed as Rs.500/-. Memo of costs be prepared accordingly and file be consigned to the record room."

We have heard the learned counsel for the appellant.

Justice ordinarily demands that every case must reach its destination, not interrupted enroute. We have also gone through the award passed by the learned Tribunal and find that it is a well reasoned and the learned counsel appearing for the appellant-Company has not

been able to point out any glaring defect in the procedure adopted by the learned Tribunal nor any manifest error on the point of law could be pointed out, which resulted in flagrant miscarriage of justice. Moreover, in cases of accident claims, economic object to be achieved by the statutory provision should be the paramount consideration with the learned Tribunal. Learned counsel appearing for the appellant-Company has submitted that the Insurance Company is not liable to pay compensation to the legal heirs of the deceased as Hardeep Singh was not having a valid and effective driving licence at the time of alleged accident. Learned counsel has also pointed out that even the driver of the offending jeep bearing registration No.PB-57-8112 was not possessing a valid driving licence at the time of accident. We find from the record that in order to prove this issue, learned counsel appearing for the Company before the learned Tribunal did not lead any evidence nor any argument was advanced in support of its contention. Accordingly, the issue was decided against the Insurance Company. The learned Tribunal, after going through the evidence on record, held the respondents, including Insurance Company liable to pay compensation to the claimants jointly and severally. Record further spells out that the jeep in question was insured with the Insurance Company at the time of accident. The learned Tribunal has rightly come to the conclusion that the Insurance Company has not been able to establish on the record that it was not liable to pay any compensation to the legal heirs of the deceased. In view of this, we find that there is nothing to be set right and no interference is called for in the award dated 27.7.2006 passed by the learned Tribunal.

In view of the above discussion, we find no illegality and infirmity in the award dated July 27,1996 passed by the learned Tribunal. Accordingly, appeal filed by the appellant-Insurance Company is

dismissed in limine.

(H.S.BHALLA)
JUDGE

(VINEY MITTAL)
JUDGE

17.11.2006
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